

PART VIII.

SPECIAL PROCEEDINGS.

[CHAPTER XXXIII—Special provisions relating to cases in which Europeans and Indian British subjects are concerned.] Rep. by the Criminal Law (Removal of Racial Discriminations) Act, 1949 (XVII of 1949), s. 3 (with effect from the 6th April 1949).

CHAPTER XXXIV.

LUNATICS.

Procedure
in case of
accused being
lunatic.

464. (1) When a Magistrate holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defence, the Magistrate shall inquire into the fact of such unsoundness, and shall cause such person to be examined by the Civil Surgeon of the District or such other medical officer as the ¹[State] Government directs, and thereupon shall examine such Surgeon or other officer as a witness, and shall reduce the examination to writing.

²[(1A) Pending such examination and inquiry, the Magistrate may deal with the accused in accordance with the provisions of section 466.]

(2) If such Magistrate is of opinion that the accused is of unsound mind and consequently incapable of making his defence, he ³[shall record a finding to that effect and] shall postpone further proceedings in the case.

Procedure
in case of
person
committed
before Court
of Session or
High Court
being lunatic.

465. (1) If any person committed for trial before a Court of Session or a High Court appears to the Court at his trial to be of unsound mind and consequently incapable of making his defence, the jury, or the Court ⁴ shall, in the first instance, try the fact of such unsoundness and incapacity, ⁵[and if the jury or Court, as the case may be, is satisfied of the fact, the Judge shall record a finding to that effect and shall postpone further proceedings in the case and the jury, if any, shall be discharged].

(2) The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court.

¹ Substituted by the A.O. 1937 for "L.G.".

² Substituted by the A. O. 1950 for "Provincial".

³ Inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 120.

⁴ The words "with the aid of assessors" were omitted by Act 20 of 1955, s. 88.

⁵ Substituted by s. 121 of the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), for "and, if satisfied of the fact, shall pass judgment accordingly, and thereupon the trial shall be postponed".